



January 9, 2002

VIA OVERNIGHT MAIL /

VIA E-MAIL TO: fr0001@ustr.gov AND astephens@ustr.gov

Ms. Gloria Blue
Executive Secretary, TPSC
Office of the U.S. Trade Representative
602 Seventeenth Street, N.W.
Washington, D.C. 20508

Re: **Exclusion Request Concerning Potential Action Under Section 203 of the Trade Act of 1974 With Regard to Imports of Certain Steel from Japan**

Dear Ms. Blue:

This letter is filed by Berlin Metals, LLC to request that the Trade Policy Staff Committee ("TPSC") recommend excluding several items of Tin Mill Products, classified under ASTM A 623-00, A 624-98, A 625-98 and A 657-98 from the scope of any action that the President may take under Section 203 of the Trade Act of 1974. The attached table, labeled "Appendix A", lists these items with their common names, Harmonious Tariff System Numbers, Thicknesses, Formal Names, ASTM Designations, etc.

To the best of our knowledge, these items are not available from any domestic steel mill because they are either too wide or too thin for the domestic mills' equipment to produce. As explained below, these steel products are very important to Berlin Metals and to Berlin's customers' manufacturing operations. Berlin Metals understands that the action the President could take under Section 203 of the Trade Act of 1974 could last up to five years and that there may be no procedure to request exclusions once the President takes action in early 2002. Accordingly, Berlin Metals is concerned with obtaining an exclusion for these items due to the unavailability of these products. In addition, the thinner items, .0072 and .0066 inches thick, remain in the scope of the 201 even after thicknesses 0.0045," 0.0050," 0.0061," and 0.0072" of this product in other Tempers were all



excluded from both the Cold Rolled anti-dumping cases filed before and after the current 201 was initiated!

The products for which Berlin Metals seeks exclusion are commonly referred to as Black Plate, Tin Plate and Tin Free Steel, all under a general heading of "Tin Mill Products". Our letter is intended to emphasize the need to exclude these products in the thicknesses and widths indicated on the attached Appendix from the scope of any remedy issued as a result of this Section 203 proceeding.

Below we provide an overview of Berlin Metals operations, number of employees, significance of our company to the United States marketplace and economy, steel product requirements, commitment to domestic sourcing of our steel requirements, and the possible harm to our company if we are unable to obtain these products for use in our operations and re-sale to our customers.

1. Berlin Metals' United States Operations

Berlin Metals has been in existence since 1967. Berlin Metals conducts operations at a facility located in Hammond, Indiana, where the company functions as a Service Center distributor of prime Tin Mill Products (Tin Plate, Black Plate, TFS, Tin Coated Sheet) in slit coil form in North America. Additionally, Berlin Metals provides stainless steel strip, galvanized, light gauge cold rolled sheet and strip, and other coated steels in coil form. Further, Berlin has over 5 other stocking locations in the US to service customers nationwide. Berlin Metals sells the material referenced in the Appendix to various customers such as Federal Mogul Corporation, Dana Corporation, Ingersoll-Rand, etc., who make a diverse number of products such as engine gaskets, radiator fins, bakeware, cellular telephones, etc. Berlin's facilities reflect a total capital investment of \$15 million and employ approximately 75 persons.

In calendar year 2001, Berlin Metals produced approximately 100,000,000 (one hundred million) pounds of slit Tin Mill Products.



Berlin has been an employer for many years in Northwest Indiana consistently contributing to the local economy.

2. Berlin Metals' Steel Input Requirements and Purchasing Experiences

For our customers to manufacture automobile engine gaskets and other products, Berlin Metals must be able to purchase the Tin Mill Products listed in the Appendix. The use of these products is required for our customers to make the parts they sell to Ford, Chrysler, General Motors, Motorola and others. If our customers were unable to make their products because the base steel was not available, their customers would then have no choice but to buy these components from overseas companies who could buy this steel. In calendar year 2001, Berlin Metals purchased more than 4,000 tons of the Tin Mill Products listed on the for processing and re-sale to our customers in manufacturing auto gaskets, radiator fins, etc. Of this total amount, zero percent was obtained from United States domestic producers, with the remaining amounts purchased from France, Germany and Japan.

Berlin Metals does not purchases these Tin Mill Products listed on the from any U.S. mills because it is unavailable in the US as the United States producers do not have the technical or physical capability – or interest-- to produce the steel product at issue in sufficient quantities, meeting strict product tolerances, with acceptable qualities, in the required varieties.

Berlin Metals has been in regular and direct contact with sales representatives of all the domestic producers of Tin Mill Products for the last several years to try and place orders for the Tin Mill Product items shown on the attached Appendix without success. Our last attempts to procure these items were made in the last 3 months. The only Tin Mill Product producers in the US are Bethlehem Steel, National Steel, Ohio Coatings (Tin Plate only), USS Posco, US Steel and Wheeling Pittsburgh Steel (black plate only).



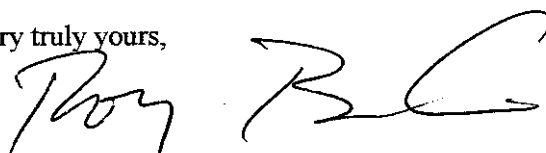
3. Potential Harm to Berlin Metals if Unable to Obtain Wide Tin Mill Products and Thin Tin Mill Products from overseas Suppliers.

As noted above, to the best of our knowledge, none of the very wide or very thin Tin Mill Products shown on the attached Appendix are available from any United States steel company. As explained below, Berlin Metals has significant concerns regarding the potential adverse impact on its operations, if it were unable to import these products in the future.

It would be disruptive to Berlin Metals' customer operations if its access to imported these wide and or thin Tin Mill Products were restricted. Specifically, such restrictions would likely have an immediate and negative impact on our operations and employees. Our company could be forced to significantly decrease our employment by 25% due to the inability to obtain wide and or thin Tin Mill Products because of quotas.

For the reasons identified above, it is essential that Berlin Metals have continued access to these wide and thin Single Reduced Tin Plate, Black Plate and Tin Free through an exclusion from any Section 201 import restrictions imposed by the President. Berlin Metals needs an exclusion for all the items listed on our Appendix from any Section 201 relief to avoid seriously disrupting its operations and adversely impacting the livelihood of its employees. Accordingly, Berlin Metals requests that these product be excluded from any remedy recommended in this investigation.

Very truly yours,



Roy Berlin, President

Attachment: Appendix A

APPENDIX "A"

Request for Exclusion on 201: List of Wide and or Thin Single Reduced Tin Mill Products Not Available in the US



BERLIN METALS LLC

<u>Common Name</u>	<u>Harmonious Tariff System Number</u>	<u>Base Weight</u>	<u>Nominal Thickness (inches)</u>	<u>Temper Designation</u>	<u>Formal Name and ASTM designation</u>	<u>Width (inches)</u>	<u>End Use</u>	<u>Comments</u>
Black Plate	7209.18.2500	60	.0066	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	65	.0072	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	Any	Engine Gaskets, Pencil Ferrules, etc.	We have given inquiries to all the domestic mills and none can provide this material
Black Plate	7209.18.2500	70 to 128	.0077 to .0141	Single Reduced, T-1 to T-5	Tin Mill Black Plate: A 623-00 & A 625-98	wider than 40"	Engine Gaskets, Radiator Fins, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	60	.0066	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	65	.0072	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	Any	Engine Gaskets, cell phone shields, other	We have given inquiries to all the domestic mills and none can provide this material
Tin Plate	7210.12.0000	70 to 135	.0077 to .0149	Single Reduced, T-1 to T-5	Electrolytic Tin Plate: A 623-00 & A 624-98	wider than 38"	Engine Gaskets, other	We have given inquiries to all the domestic mills and none will provide this material. One mill is "listed" as capable to 40" but is not interested in the business as trial orders failed to make the parts.
Tin Free Steel (TFS)	7210.50.3000	70 to 180	.0077 to .020	Single Reduced, T-1 to T-5	Electrolytic Chromium-Coated Black Plate: A 623-00 & A 657-98	wider than 38"	Engine Gaskets, Bakeware, other	We have given inquiries to all the domestic mills and none can provide this material